

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM No.M-2335 of 2017
Decided on: 16.03.2017**

Ravinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Ms. Parminder Kaur, Advocate
for the petitioner.

Mr. Ankur Jain, AAG, Punjab.

REKHA MITTAL, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.96 dated 04.11.2016, for offence punishable under Sections 363 and 366-A of the Indian Penal Code (in short 'IPC') registered in Police Station Division No.8, District Ludhiana.

Counsel for the petitioner has submitted that allegations against the petitioner are that he had taken away sister of the complainant aged about 15 years with an intent to perform marriage with her. It is further submitted that the alleged kidnapped girl recorded her statement under Section 164 Cr.P.C. wherein she had stated that she voluntarily went with the petitioner and stayed with him for 04 days but the petitioner did not have physical relations with her. It is further submitted that on completion of investigation, challan has been

presented in the Court and conclusion of trial is likely to take its own time. The last submission made by counsel is that an affidavit was furnished by the complainant – Deepak with regard to dispute between the parties having been settled by way of compromise.

Counsel for the State has opposed the prayer for bail with the submission that as the girl was approximately 15 years of age, her consent for going with the petitioner is irrelevant.

I have heard counsel for the parties, perused the paperbook and the police records.

Indisputably, challan has been presented in the Court, therefore, there is no possibility of the petitioner tampering with the investigation in case released on bail. There are no allegations that the petitioner is likely to flee from the process of justice in case released from custody. The prosecutrix has not levelled any allegation against the petitioner either with regard to enticing her much less developing physical relationship. She even refused to undergo medical examination. Conclusion of the trial is likely to take its own time, without commenting upon merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial Court. However, he shall abide by the following conditions:-

- (i) He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and*
- (ii) He shall not leave India without the previous*

permission of the Court.

16.03.2017

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(REKHA MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No